



UNITED STATES PATENT AND TRADEMARK OFFICE

#12

Application of: R. W. Barber, et al. §

Examiner: Jason D. Cardone

Serial No.: 09/328,921 §

Art Unit: 2152 §

Filed: June 9, 1999 §

For: Method and System for Operating Virtual Devices by Master Controllers in a Control System

Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

Response Under 37 C.F.R §1.111

Dear Sir:

This is a response to the office action, dated January 28, 2002, due for response on or before April 28, 2002. This response is being filed concurrently with a Petition to Revive the present application under 37 CFR 1.137(b).

Applicant requests reconsideration and withdrawal of the outstanding rejections, and allowance of the claims pending in this application in view of the following amendments and remarks.

Remarks

Rejections under 35 U.S.C. §102(b)

In the office action dated January 28, 2002, the examiner rejected claims 1-45 under 35 U.S.C. § 102(b) as unpatentable over Dolan. In order for a rejection under 35 U.S.C. § 102(b) to be proper, the cited reference must teach each and every aspect of the claimed invention either explicitly or impliedly. See MPEP § 2131. As elaborated in *Richardson v. Suzuki Motor Co.* "[t]he identical invention must be shown in as complete detail as is contained in the claim." 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1987). It is applicant's position that for the reasons stated